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Attorney for Movant
 John Doe 70.109.224.221

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ON THE CHEAP, LLC, a California
 Corporation, doing business as
 Tru Filth, LLC

Plaintiff,

v.

Does 1-5011,

Defendant(s).

Case No. CV 10-04472 BZ

**Motion to Proceed Anonymously as
 John Doe 70.109.224.221**

JUDGE: BERNARD ZIMMERMAN,
 United States Magistrate Judge

Date and Time: September 7, 2011 at
 10:00 am

Courtroom: C – 15th Floor

PLEASE TAKE NOTICE, that the Date and Time for Hearing on this Motion to Proceed Anonymously as John Doe 70.109.224.221 is as follows: September 7, 2011 at 10:00 am.

Movant (hereinafter John Doe 70.109.224.221 or Movant), by and through his attorney, respectfully requests that this Honorable Court permit him to proceed anonymously as John Doe 70.109.224.221 and in support of this motion, states as follows:

The Movant recognizes the importance of public access to court proceedings. However,

1 Movant is not seeking leave from the Court to proceed pseudonymously through the trial stage of
 2 the case, if any, but is seeking the much narrower privilege of pseudonymously challenging the
 3 propriety of a subpoena during the pretrial phase of the litigation.

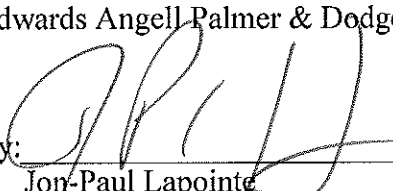
4 On or about June 30, 2011, Movant received a letter from his Internet Service Provider
 5 Verizon Online ("Verizon"), a redacted version of which is attached hereto as Exhibit A. The
 6 letter identified John Doe's I.P. Address as 70.109.224.221 and attached a subpoena requiring
 7 Verizon to disclose his name, address and other personally identifying information. Pursuant to
 8 this Court's February 3, 2011 Order Granting Plaintiff Leave To Take Early Discovery, Doc. No.
 9 10, subscribers in receipt of a copy of such a subpoena have 30 days from the date of service
 10 upon them to contest the subpoena. Movant has contested the subpoena through the
 11 contemporaneously filed Motion to Quash Subpoena.

12 Anonymity has been granted to parties in cases addressing parties' rights to privacy
 13 where the injury being litigated against (the disclosure of personally identifiable information)
 14 would be incurred should the party be required to disclose its identity. See Roe v. Ingraham,
 15 364 F. Supp. 536, 541 (S.D.N.Y. 1973). Such a privacy claim exists here; Movant cannot
 16 disclose his identity without incurring the very injury being litigated against.

17 As discussed more fully in Movant's Motion to Quash Subpoena, this Court lacks
 18 personal jurisdiction over John Doe 70.109.224.221. Accordingly, having provided his identity
 19 to the Court, Movant requests to be permitted to proceed under the pseudonym John Doe
 20 70.109.224.221.

21 Dated: July 29, 2011

Respectfully submitted,
 Edwards Angell Palmer & Dodge LLP

23 By: 
 24 Jory-Paul Lapointe
 25 Attorneys for Movant
 26 John Doe 70.109.224.221
 27
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CERTIFICATE OF SERVICE

I, _____, hereby certify that I am employed in the County of _____,
State of California. I am over the age of 18 and not a party to the within-entitled action. My
business address is 660 Newport Center Drive, Suite 900, Newport Beach, California 92660.
On July 29, 2011, I served I served a true and correct copy of the foregoing

Motion to Proceed Anonymously as John Doe 70.109.224.221

on all parties and counsel of record via the Court's Electronic Case Management System:

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Attorney for On The Cheap, LLC

I declare under penalty of perjury under the laws of the United States and the State of
California that the above is true and correct. Executed on July 29, 2011, at _____.

/s/ _____